

ORDER TO ADOPT
TITLE 13 MOTOR VEHICLES
Article 4.7

§345.06. Traffic Violator School Instructor.

- (a) A traffic violator school instructor shall meet the requirements of Vehicle Code Section 11206 and be licensed by the department before engaging in traffic violator school instruction, except as provided in Section 11206(c) of the Vehicle Code.
- (b) A traffic violator school instructor license authorizes the licensee to perform instructional services only for the specific school named on the license.
- (c) A traffic violator school instructor may perform instructional services for more than one school; however, all of the affected schools, including public schools or agencies, shall be fully aware of each school employing the instructor and the instructor shall possess a valid license for each school, except as provided in Section 11206(c) of the Vehicle Code.
- (d) In addition to instructional services, a traffic violator school instructor, including public school instructors, shall perform the following:
- (1) Ensure that the classroom standards described in Section 345.38 are maintained at all times during the entire course.
 - (2) Post all signs required by the department (Section 345.39(g) and (i), and Section 11202(e) of the Vehicle Code) in each classroom prior to commencing instruction.
 - (3) Maintain evidence of licensure at all times while performing instructional services. Possession of the instructor identification card, described in Section 345.06(g), shall be sufficient to meet this requirement.
 - (4) Follow the school's departmental approved lesson plan at all times while conducting the class.
- (e) Any individual who qualifies as an instructor pursuant to Vehicle Code Section 11206 may apply to be licensed by the department as an instructor by filing a completed application with the department at any designated field office of the department. A list of designated offices can be obtained from the headquarters office of the department. A completed application shall contain:
- (1) A nonrefundable application fee of \$30 and a \$1 Family Support Program fee under California Family Code Section 17520 for a total of \$31.
 - (2) An ~~a~~ Application for Traffic Violator School (TVS) Instructor License, form OL 710 (Rev. 44/94 6/2005). This application shall contain the following information:
 - (A) The type of application, whether the application is for an Original, Additional or Reinstatement license.
 - ~~(A)~~ (B) The true full name, mailing address, and residence address, and daytime telephone number of the applicant. If the applicant is requesting an additional license, the current Traffic Violator School instructor license number shall be provided.
 - ~~(B)~~ (C) The applicant's driver license number and expiration date.

~~(C)~~ (D) The applicant's physical description. This description shall contain the color hair, color eyes, height, weight, birthdate, and sex of the applicant.

~~(D)~~ (E) The employing school's name (DBA), address, and school license number.

~~(E)~~ (F) A statement by the applicant, signed under penalty of perjury, certifying that all of the information contained on the application is true and correct. For Original and Reinstatement applications, a statement dated and signed under penalty of perjury under the laws of the State of California certifying that the person signing the form is the authorized representative of the Traffic Violator School pursuant to Title 13, Section 345.54 that will be employing the licensee named in the form, and that the licensee named in the form has been administered and successfully passed a written examination in accordance with Section 345.07 of Title 13 of the California Code of Regulations and Vehicle Code section 11206.

~~(F)~~ (G) A statement, dated and signed under penalty of perjury under the laws of the State of California by the owner, or operator, or designated representative pursuant to Section 345.54, certifying that the school intends to employ the applicant as an instructor when the applicant is licensed; the city and state where the signature is executed; and an indication of whether the signature is of the owner or operator.

(H) A statement by the applicant dated and signed under penalty of perjury under the laws of the State of California that the foregoing information in the form is true and correct, and the city and state where the signature is executed.

(3) A Personal History Questionnaire completed by the applicant pursuant to Section 345.68, of Title 13 of the California Code of Regulations.

(4) One fingerprint card completed by the applicant pursuant to Section 345.72 and payment of a fingerprint-processing fee, as described in Vehicle Code Section 1668(b), for each applicant.

~~(5) Evidence from a field office that the written examination was passed pursuant to Vehicle Code Section 11206(a)(2) within three attempts.~~

~~(A) The instructor examination shall be administered by the department at any designated field office of the department. The instructor examination shall consist of 100 questions. A score of 80 or more shall be passing.~~

~~(B) Any applicant who fails to pass the written examination shall be required to wait at least one week before another examination is administered.~~

~~(C) An applicant shall be provided the opportunity to review the written examination taken after it has been corrected, but the review shall be in the presence of a department employee, and the applicant shall not copy or otherwise reproduce the examination form or any of the questions on the examination form in any manner.~~

(f) When the application is complete, the department shall issue a temporary permit pursuant to Vehicle Code Section 11210, pending final review of the application, provided that:

(1) There is no apparent reason for the application to be refused or disapproved.

(2) The employing school is currently licensed. If the employing school has not yet been licensed, the instructor's temporary permit or license shall be issued when the owner's permit or license is issued.

(g) Following the final review of the application, a license and an identification card shall be issued to all applicants who meet the requirements for licensure. An instructor license shall be maintained at the school business office and the identification card shall be in the

possession of the instructor at all times while conducting classes. A traffic violator school instructor license, when issued, is valid for a period of three years from the date of issuance of the temporary permit or, if no permit is issued, from the date of issuance of the license, unless suspended or revoked by the department.

(h) If the department determines that the applicant is not qualified, pursuant to any applicable statute or code, the department shall notify the applicant in writing that the license is refused. The notice of refusal shall include:

(1) The reason or basis for the refusal.

(2) Information regarding the applicant's right to a hearing, pursuant to Vehicle Code section 11211(b).

(3) If a temporary permit has been issued, notification that the temporary permit is canceled upon receipt of the notice.

NOTE: Authority cited: Sections 1651, 11202(a)(2) and 11219, Vehicle Code; Section 17520, Family Code. Reference: Sections 626.4, 11200, 11206, 11206.5, 11207, 11208, 11210 and 11211, Vehicle Code. Section 17520, Family Code.

§345.07. Traffic Violator School Instructor Examination Requirements.

(a) The instructor examination shall be administered by the employing Traffic Violator School owner, operator or designated representative pursuant to Section 345.54 of these regulations.

(b) The instructor examination shall consist of 50 questions provided by the department. To pass the examination, the applicant must have 40 or more correct answers.

(c) An applicant who fails the examination shall be provided the opportunity to review the written examination, with the examiner, after it has been corrected. Another examination may be administered the same day or on another day.

(d) The Traffic Violator School owner, operator or designated representative shall retain the examination taken by the student for 3 years.

(e) The Traffic Violator School owner, operator or designated representative shall take steps to secure the examination questions and shall not allow the questions to be copied or otherwise reproduced in any manner except as required to administer the examination.

(f) The examination questions are for use solely by the Traffic Violator School for the administration of the instructor examination and shall not be distributed or shared with any other person.

NOTE: Authority cited: Section 1651, Vehicle Code. Reference: Section 11206, Vehicle Code.